

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMERICAN ALTERNATIVE INSURANCE)
CORPORATION,)
Plaintiff,) Case No.: 14 CV 01235
v.)
METRO PARAMEDIC SERVICES, INC., an)
Illinois corporation, SHANNON VOLLING,)
JULIE BANSER, and APRIL SOULAK,)
Defendants.)
)

**METRO'S MOTION FOR ENTRY OF JUDGMENT ON COUNTS I AND II OF
METRO'S FIRST AMENDED COUNTERCLAIM**

NOW COMES Defendant/Counterplaintiff METRO PARAMEDIC SERVICES, INC. (“Metro”), by its undersigned counsel, and hereby moves that the Court enter judgment on Counts I and II of Metro’s First Amended Counterclaim (“Counterclaim”) in the form attached hereto as Exhibit C because Metro’s damages are not disputed. In support, Metro has attached the parties’ Stipulation and a Declaration of Metro’s counsel with respect to Metro’s legal fees, costs and expenses incurred defending the Underlying Case, and further states as follows:

1. In Counts I and II of its Counterclaim, Metro alleges that AAIC breached its duty to defend Metro in the lawsuit filed by Shannon Volling, et al., Case No. 11 cv 04920 (NDIL) (the “Underlying Case”).
2. Pursuant to its Memorandum Opinion and Order entered on December 12, 2014, the Court granted Metro’s Motion for Judgment on the Pleadings on Counts I and II, ruling that

AAIC breached its duty to defend Metro in the Underlying Case. The Court held that Metro must be awarded damages in the amount of its defense costs but reserved the determination of the damages amount for further proceedings.

3. Metro subsequently tendered to AAIC detailed monthly invoices describing the legal fees, costs and expenses in the aggregate amount of \$551,875.79 incurred by Metro to defend the Underlying Case. Metro also provided documentation showing that it has paid its attorneys for all of these fees, costs and expenses.

4. Attached hereto as Exhibit A is a Stipulation executed by the parties to the amount of Metro's legal fees, costs and expenses totaling \$551,875.79 incurred by Metro defending the Underlying Case. AAIC expressly reserves the right to appeal the Court's determination that it breached its duty to defend Metro after the claims with respect to AAIC's duty to indemnify Metro for the settlement payments have been resolved by final order.

5. Attached hereto as Exhibit B is a Declaration of Metro's lead counsel attesting to the legal fees and expenses incurred by Metro in the Underlying Case and that they all have been paid. The bills themselves were not attached because they are voluminous and in light of the Stipulation but Metro will provide them to the Court if it wishes to review them.

6. Accordingly, because the damages are not in dispute, Metro requests that the Court enter judgment on Counts I and II of its Counterclaim in the form attached hereto as Exhibit C.

WHEREFORE, Defendant/Counterplaintiff METRO PARAMEDIC SERVICES, INC. respectfully requests that the Court enter judgment in its favor on Counts I-II of Metro's First Amended Counterclaim in the form attached hereto as Exhibit C and grant such other relief as is just.

Respectfully submitted,

METRO PARAMEDIC SERVICES, INC.

By: /s/ Steven M. Hartmann
One of Its Attorneys

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Dated: April 17, 2015

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AMERICAN ALTERNATIVE INSURANCE CORPORATION,)	
)	Case No.: 14 CV 01235
Plaintiff,)	
)	Judge John J. Tharp, Jr.
v.)	
)	
METRO PARAMEDIC SERVICES, INC., an Illinois corporation, SHANNON VOLLING, JULIE BANSER, and APRIL SOULAK,)	
)	
Defendants.)	
)	

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on April 17, 2015, he caused a copy of the foregoing **Defendant Metro Paramedic Services, Inc.'s Motion for Entry of Judgment on Counts I and II of Metro's First Amended Complaint** to be filed electronically via the Court's electronic filing system, which will send a copy of the document and a notice of motion for same to all counsel listed below:

Robert Marc Chemers
Peter George Syregelas
Pretzel & Stouffer, Chtd.
One South Wacker Drive, Suite 2500
Chicago, IL 60606

/s/ Steven M. Hartmann
Attorney for Metro Paramedic Services, Inc.